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DOUGLAS OLIVER KELLY**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

DOUGLAS OLIVER KELLY,
Petitioner,

v.

GENA JONES, Warden
California Health Care Facility

Responder

Case No. 22-cv-06460 (MRA)

**PETITIONER'S FIRST
UNOPPOSED APPLICATION FOR
EXTENSION OF TIME TO FILE
MERITS REPLY; DECLARATION
OF COUNSEL**

1 Petitioner Douglas Oliver Kelly, by and through his attorneys of record, Deputy
2 Federal Public Defenders Nicole Jeong and Ajay Kusnoor, respectfully request a five-
3 month extension of time, up to and including December 9, 2024, to file Petitioner's
4 Merits Reply to Respondent's Answer.

5 This application is based on the attached declaration of counsel. Respondent
6 does not oppose this application.

7 Respectfully submitted,

8 CUAUHTEMOC ORTEGA
9 Federal Public Defender

10 DATED: July 1, 2024

11 By /s/ NICOLE JEONG

12 NICOLE JEONG
13 Deputy Federal Public Defender

14 Attorney for Petitioner
DOUGLAS OLIVER KELLY

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DECLARATION OF NICOLE JEONG

I, Nicole Jeong, declare and state as follows:

1. I am an attorney with the Office of the Federal Public Defender for the Central District of California. I am licensed to practice law in the State of California, and I am admitted to practice in this Court. I, along with co-counsel, Ajay Kusnoor, represent Petitioner Douglas Oliver Kelly in this case.

2. Petitioner filed his Petition for Writ of Habeas Corpus on September 9, 2022. On November 11, 2023, Judge Holcomb signed the Order on the Parties' Joint Stipulation to Amend the Briefing Schedule. Respondent filed his Answer on January 9, 2024. Petitioner's Reply is currently due July 8, 2024. This is Petitioner's first request for an extension of time to file Petitioner's Reply. We will not be able to effectively complete Petitioner's Merits Reply by the current due date. Counsel thus requests a 5-month extension of time, to and including December 9, 2024, so that we can effectively prepare for filing Petitioner's Merits Reply.

3. Prior co-counsel, Heather Pickerell, left the office May 29, 2024. After Ms. Pickerell left the office, I was assigned to co-counsel Mr. Kelly's case with Deputy Public Defender Ajay Kusnoor. Mr. Kusnoor and I have started to prepare the Reply. However, as a new attorney on this case, I need additional time to review the extensive documentation in this case to effectively prepare my portions of the Reply.

4. Additionally, both Mr. Kusnoor and I have upcoming deadlines in other capital and noncapital cases. In addition to this case, I am counsel of record in six other cases. In three of these cases, we are actively investigating and/or preparing Racial Justice Act petitions. My co-counsel, Mr. Kusnoor informs me that in addition to this matter, he is counsel of record in 14 capital, formerly capital, and non-capital habeas matters. As a supervisor in the capital habeas unit, Mr. Kusnoor is also responsible for supervising approximately 30 habeas matters and the summer law clerk program. In one capital habeas matter, he is preparing an exhaustion petition to be filed in the California Supreme Court on July 30, 2024. In another capital habeas matter, he must

file an exhaustion petition in state court by August 29, 2024, and he is supervising extensive out-of-state investigation to prepare for this filing. In another capital habeas matter he must file an amended petition in federal district court on or before September 25, 2024; this too has required extensive out-of-state investigation and record review. In a non-capital-habeas matter, the Los Angeles Superior Court has granted an order to show cause on the petitioner's request for relief under Penal Code section 1172.6, and he is conducting investigation and record review to prepare for a possible evidentiary hearing on the petitioner's claim.

5. On June 28, 2024, co-counsel, Ajay Kusnoor, contacted counsel for Respondent, Supervising Deputy Attorney General Stephanie C. Brenan, who informed us that her office does not oppose Petitioner's request for a 5-month extension of time to file the Reply.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 1, 2024, at Los Angeles, California.

/s/ NICOLE JEONG
NICOLE JEONG